

---

By: **Montgomery County Delegation and Prince George's County  
Delegation**

Introduced and read first time: February 4, 2003

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Transfer Station - Special Exception**  
3 **MC/PG 119-03**

4 FOR the purpose of prohibiting the District Council of Prince George's County from  
5 approving a special exception for a transfer station unless the transfer station is  
6 located on a certain property owned by Prince George's County and a certain  
7 majority of the District Council votes affirmatively for the transfer station;  
8 providing for the application of this Act; and generally relating to special  
9 exceptions for transfer stations in Prince George's County.

10 BY adding to  
11 Article 28 - Maryland-National Capital Park and Planning Commission  
12 Section 8-110.3  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 2002 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article - Environment  
17 Section 9-204(a), 9-210(a) and (b), and 9-501(n)  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 2002 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 28 - Maryland-National Capital Park and Planning Commission**

23 8-110.3.

24 (A) THIS SECTION APPLIES TO ANY TRANSFER STATION IN PRINCE GEORGE'S  
25 COUNTY THAT IS SUBJECT TO REGULATION AS A SOLID WASTE ACCEPTANCE  
26 FACILITY UNDER TITLE 9, SUBTITLE 2 OF THE ENVIRONMENT ARTICLE.

1 (B) THE DISTRICT COUNCIL OF PRINCE GEORGE'S COUNTY MAY NOT APPROVE  
2 A SPECIAL EXCEPTION TO CONSTRUCT OR OPERATE A TRANSFER STATION UNLESS:

3 (1) THE TRANSFER STATION IS LOCATED ON A LANDFILL OWNED BY  
4 PRINCE GEORGE'S COUNTY; AND

5 (2) A THREE-FOURTHS MAJORITY OF THE DISTRICT COUNCIL VOTES  
6 AFFIRMATIVELY FOR THE TRANSFER STATION.

7 **Article - Environment**

8 9-204.

9 (a) This section applies to any water supply system, sewerage system, refuse  
10 disposal system that is for public use, or any refuse disposal system that is a solid  
11 waste acceptance facility as defined in § 9-501(n) of this title if the solid waste  
12 acceptance facility is installed, altered, or extended after July 1, 1988.

13 9-210.

14 (a) Subject to the provisions of subsection (b) of this section, the Secretary may  
15 not issue a permit to install, materially alter, or materially extend a refuse disposal  
16 system regulated under § 9-204(a) of this subtitle until the requirements set forth in  
17 this subsection are met in the following sequence:

18 (1) Except for the opportunity for a public informational meeting, the  
19 Department has completed its preliminary phase 1 technical review of the proposed  
20 refuse disposal system;

21 (2) The Department has reported the findings of its preliminary phase 1  
22 technical review, in writing, to the county's chief elected official and planning  
23 commission of the county where the proposed refuse disposal system is to be located;  
24 and

25 (3) The county has completed its review of the proposed refuse disposal  
26 system, and has provided to the Department a written statement that the refuse  
27 disposal system:

28 (i) Meets all applicable county zoning and land use requirements;  
29 and

30 (ii) Is in conformity with the county solid waste plan.

31 (b) Upon completion of the requirements of subsection (a)(1) and (2) of this  
32 section, the Department shall cease processing the permit application until the  
33 requirements of subsection (a)(3) of this section are met.

1 9-501.

2 (n) "Solid waste acceptance facility" means any sanitary landfill, incinerator,  
3 transfer station, or plant whose primary purpose is to dispose of, treat, or process  
4 solid waste.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
6 construed to apply only prospectively and may not be applied or interpreted to have  
7 any effect on or application to any permit issued or renewed to construct or operate a  
8 transfer station before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 June 1, 2003.